

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

JOHN WALLACE and ELIZABETH TRASE,  
Individually and as Assignee of McPHAIL  
ROOFING, LLC

Plaintiffs,

v.

NAUTILUS INSURANCE COMPANY,

Defendant.

**Case No. 1:18-cv-747-LM**

**DECLARATION OF BRIAN GRADY**

I, Brian Grady, pursuant to 28 U.S.C. § 1746, declare as follows:

1. My name is Brian Grady. I am a general contractor based in Windham, Maine, working under the trade name Brian Grady Custom Builder.
2. In the spring of 2016, Sean Urquhart asked me to make a proposal to remove the existing roofs on two houses on Quarry Road in Yarmouth, Maine, and replace those roofs with new, cedar shingle roofs. The proposal was to be a lump sum, plus an allowance for copper flashing.
3. On April 17, 2016, after inspecting the houses, I made lump sum proposals to the owners, John Wallace and Elizabeth Trase. True and accurate copies of the two lump sum proposals are attached hereto as Exhibits A and B.
4. I knew from inspecting the roofs that there was water coming through the roofs to the plywood roof deck and then into the attic, but I was not able to tell how badly the water had damaged the materials underneath the shingles, such as the plywood

sheathing, because those materials were covered by the shingles. My lump sum proposal included repairing or replacing whatever damage to the roof deck needed to be fixed when I removed the shingles.

5. When I removed the shingles, I found that there was damage to the materials underneath, including water damage to the plywood, plywood nails, and underlayment.
6. I was ultimately able to reuse most of the plywood sheathing, but as part of the work covered by my lump sum proposals I did repair or replace the plywood in certain places, add new nails, and replace the underlayment.

Pursuant to 28 U.S.C. § 1746, I, Brian Grady, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 29th day of July 2019 at Portland, Maine

/s Brian Grady  
Brian Grady